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R E M A R K S

Reconsideration of the present application in view of the amendments and following remarks is respectfully requested. Claims 1, 7 and 11 have been amended. Fifteen claims are pending in the application: Claims 1 through 15.

35 U.S.C. § 102

5. Claims 1-15 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,825,876 (Peterson).

Peterson discloses a system for controlling time based availability to content (such as, movies, music, games, information and the like) provisioned on a storage medium, whereby revenue may be generated for premier and pay-per-use access to the content (See Peterson Abstract). The system allows each consumer the right to purchase and subsequently view the content, e.g., one time for a certain fee through online access from the controller to the authorization center; but the single viewing will only be allowed by the controller on or after a premier event (See Peterson Abstract). Thus, in summary, Peterson is a revenue based system for controlling when a user is able to view content based upon a time and receipt of payment.

In contrast, as stated in the preamble of claim 1 Applicants' are claiming "a method for identifying a plurality of events which are played back simultaneously on a plurality of networked client apparatuses." Furthermore, Applicants' have amended independent claim 1 to recite "beginning the playback of the event simultaneously on each of the client apparatuses if the comparison renders a match." This further clarifies, that

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Applicants' claims are directed to playing back an event on a plurality of client apparatuses simultaneously as part of a scheduled event.

Peterson does not disclose or suggest anywhere within the specification or drawings simultaneous playback. The Examiner appears to have asserted that Col. 2, lines 26-41 of Peterson disclose simultaneous playback. The two paragraphs of this section teach "A method of controlling access to a data content of a storage medium...[and]...an apparatus for controlling access by a user to content of a storage medium." Nowhere in this section of Peterson is there any mention of playback on a plurality of client apparatuses, let alone, simultaneous playback on a plurality of client apparatus. The ability to control access to content during a time period (e.g., two days) in no way teaches or suggests "beginning the playback of the event simultaneously on each of the client apparatuses if the comparison renders a match," such as is claimed by Applicants. Furthermore, the user of the Peterson system is in control of when the playback takes place once they have the rights to the content. Thus, each user will be watching the playback at different times and not simultaneously.

Thus, Applicants respectfully submit that amended independent claims 1, 7, and 11 are not anticipated by Peterson and that all claims 1-15 are in condition for allowance.

Furthermore, as stated, Applicants' invention provides for a plurality of client apparatuses to simultaneously take place in a scheduled event. In contrast, the purpose of Peterson is to generate revenue by locking or unlocking the content on a disk (e.g., a movie or music). The unlocking of the content is done on a per user basis to ensure the content has been paid for.

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Furthermore, as described in *Peterson* at column 2, lines 54-61 "[e]ach consumer may purchase the right to view the movie one for a certain fee, for example \$5.00, through online access to an authorization center, but the single viewing (i.e., unlocking) will only be allowed on or after the premier event time. Thereafter, the consumer pays for viewing of the movie either on a pay-per-user basis or over a defined window of time, and perhaps for a reduced fee such as \$1.00." The system of *Peterson* is a revenue generating system which is optimized to generate revenue anytime a consumer wished to view a movie. This system would be greatly devalued (i.e., generate less income) if a consumer could only view the movie simultaneously with many other users. Thus, *Peterson* teaches away from a simultaneous playback, as the performance of the *Peterson* system would be greatly lost if it were to incorporate simultaneous playback into the revenue generating system. Thus, there would be no motivation to modify *Peterson* in order to include the simultaneous playback of an event on multiple client apparatuses because *Peterson* teaches away from such a system. Therefore, Applicants respectfully request a timely notice of allowance be issued in the present application.

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C O N C L U S I O N

In view of the above, Applicants submit that the pending claims are in condition for allowance, and prompt and favorable action is earnestly solicited. Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Thomas F. Lebens at (805) 781-2865 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



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